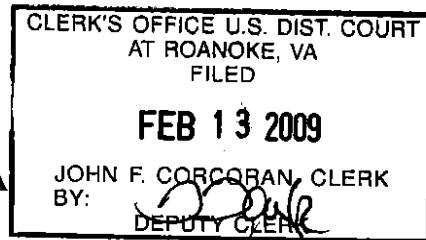


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION



UNITED STATES OF AMERICA)	Criminal Case No. 5:01cr30058-4
)	
v.)	2255 FINAL ORDER
)	
)	By: Samuel G. Wilson
EDWARD GALLARZA)	United States District Judge

For the reasons stated in the accompanying Memorandum Opinion, it is hereby

ORDERED and ADJUDGED

that Gallarza's motion (Docket #404) is **CONSTRUED** as a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255; the § 2255 motion shall be and hereby is **DISMISSED** without prejudice as successive; and the case is hereby **STRICKEN** from the active docket.

The Clerk is directed to send copies of this Order and the accompanying Memorandum Opinion to the parties.

ENTER: This 12th day of February, 2009.



United States District Judge